

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

ROBBIE EMERY BURKE, )  
Special Administratrix of the )  
Estate of Terral Brooks Ellis, II, )  
Deceased, TERRAL B. ELLIS, SR., )  
and SHELLY BLISS, )

Plaintiffs, )

v. )

Case No. CIV-17-325-JED-FHM

THE SHERIFF OF OTTAWA )  
COUNTY, in his official capacity, et al., )

Defendants. )

**DEFENDANTS BRAY’S MOTION TO FILE ONE EXHIBIT UNDER SEAL**

Defendant Johnny Bray respectfully requests this Court issue an Order permitting him to file under seal one exhibit, a photograph taken from confidential jail video, for his Reply to Plaintiff’s Response to his Motion for Summary Judgment. Defendant submits the following in support:

1. On December 19, 2017, the Court entered [Doc. 59] the Agreed Protective Order in this matter governing confidential material and its use in this action. “Jail video” is explicitly covered by this Order.

2. In finalizing his Reply to Plaintiff’s Response to Bray’s Motion for Summary Judgment, counsel have decided it would be useful, based upon the arguments advanced in Plaintiff’s Response [Doc. 159], to include one still photograph, which is cropped from

jail video, as an Exhibit to Bray's Reply. To do so, Defendant Bray requires permission to file this one exhibit for his Reply Under Seal, due to the terms of the Protective Order.

3. Defendant's Reply for his Motion for Summary Judgment is due today, February 10, 2020. Ordinarily counsel requests permission further in advance for expected exhibits, but the subject exhibit was only decided upon today, the date of filing of the Reply.

4. Sheriff Floyd's counsel does not object to the request to file this one photo under seal. Plaintiff's counsel was recently contacted, once the decision was made to use the Exhibit, but counsel have not received a response as of the time of filing, which was done shortly after notice to all counsel due to today's impending deadline for the Reply.

5. If granted, Defendant Bray would follow the Court's procedures for filing the Exhibit Under Seal and sending a copy of this Exhibit to all counsel.

Respectfully submitted,

s/ Carson C. Smith

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***Attorneys for Defendants***

***Johnny Bray and Charles Shoemaker***

**CERTIFICATE OF SERVICE**

I hereby certify that on this 10th day of February, 2020, I electronically transmitted the above and foregoing document to the Clerk of Court using the ECF System for filing and to counsel via email thereafter:

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